

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAIRE RIAS,  
Plaintiff,

v.

Case No.  
Honorable

DOLLAR TREE STORES, INC.,  
Defendant.

---

DREW SLAGER (P72941)  
Mancini, Schreuder, Kline P.C.  
Attorney for Plaintiff  
28225 Mound Road  
Warren, MI 48092  
P: (586) 751-3900 / F: (586) 751-7203  
Email: dslager@mancini-law.com

---

LISA T. MILTON (P38129)  
Bowen, Radabaugh & Milton, P.C.  
Attorney for Defendant  
100 East Big Beaver Road, Suite 350  
Troy, MI 48083  
P: (248) 641-8486/F: (248) 641-8219  
Email: ltmilton@brmattorneys.com

---

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, the above-captioned action, which is currently pending in the Circuit Court for the County of Macomb, in the State of Michigan, is hereby removed by Defendant, Dollar Tree Stores, Inc. to the United States District Court for the Eastern District of Michigan by the filing of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Michigan. As grounds for removal, Defendant state as follows:

1. There is now pending in the Macomb County Circuit Court Case No. 21-003751-NO, a civil action in which Paire Rias is the Plaintiff

2. Pursuant to 28 U.S.C. § 1446(a), a complete copy of the Complaint and Jury Demand filed by Plaintiff is attached as **Exhibit 1**; a complete copy of the Answer to the Complaint and Reliance on Jury Demand filed by Dollar Tree, Inc. is attached as **Exhibit 2**.

3. That based on the extent of the Plaintiff's claimed injuries and the allegations as asserted in Plaintiff's Complaint, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and cost.

4. This action now involves a controversy between citizens of different states.

a. Plaintiff is, at the time of the commencement of this action, a citizen and resident of the State of Michigan. **Exhibit 1, ¶ 1**.

b. Dollar Tree Stores, Inc. is a corporation created and organized under the laws of the State of Virginia.

e. Dollar Tree, Inc. is a company publicly traded on the NASDAQ Stock Exchange.

6. The District Court of the United States is given original jurisdiction of this action pursuant to 28 U.S.C. § 1332. Removal is being sought pursuant to 28 U.S.C. §§ 1441 and 1446(b)(3).

7. This notice is being filed with the Court within thirty (30) days of the receipt by the Defendant of the initial pleading. The Defendant was served with a the Complaint on October 18, 2021. **Exhibit 3.**

8. A true and correct copy of this Notice will be filed with the Clerk for the County of Macomb as provided by law.

Wherefore, Defendant, Dollar Tree Stores, Inc., respectfully requests that this matter be removed from Macomb County Circuit Court to this Court.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)

Attorney for Defendant

100 East Big Beaver Road, Suite 350  
Troy, MI 48083

P: (248) 641-8486/F: (248) 641-8219

Email: ltmilton@brmattorneys.com

Dated: November 16, 2021

**Proof of Service**

I certify that on November 16, 2021, this document was electronically filed with the Clerk of the Court and electronically served upon all attorneys of record using this court's e-filing/e-serve system.

/s/Kim King

# EXHIBIT 1

Oct. 11. 2021 11:54AM

No. 0939 P. 2

Approved, SCAO		Original - Court 1st copy - Defendant	2nd copy - Plaintiff 3rd copy - Return
STATE OF MICHIGAN JUDICIAL DISTRICT 16TH JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS	CASE NO. 2021-003751-NO
Court address 40 N. Main Street, Mount Clemens, MI 48043		Court telephone no.	
Plaintiff's name(s), address(es), and telephone no(s). Paire Rias		Defendant's name(s), address(es), and telephone no(s). Dollar Tree Stores, Inc.	
Plaintiff's attorney, bar no., address, and telephone no. Drew Slager (P 72941) 28225 Mound Rd. Warren, MI 48092 586-751-3900		v	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

#### Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

#### Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 10/12/2021	Expiration date* 01/11/2022	Court clerk <i>Anthony G. Forlini</i>
--------------------------	--------------------------------	--

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.



**PROOF OF SERVICE****SUMMONS**

Case No. \_\_\_\_\_

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_

List all documents served with the summons and complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
 Date

My commission expires: \_\_\_\_\_ Date  
 Signature: \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on  
 Day, date, time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB**

PAIRE RIAS,

Plaintiff,

-vs-

DOLLAR TREE STORES, INC.,

Defendant.

Case No. 2021- 003751 -NO  
HON. RICHARD L. CARETTI

MANCINI SCHREUDER KLINE P.C.  
DREW SLAGER (P 72941)  
Attorneys for Plaintiff  
28225 Mound Road  
Warren, Michigan 48092-3498  
(586) 751-3900/(586) 751-7203 fax  
[dslager@mancini-law.com](mailto:dslager@mancini-law.com)  
[lsloan@mancini-law.com](mailto:lsloan@mancini-law.com)

There is no other pending or resolved civil action arising  
out of the transaction or occurrence alleged in the complaint.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff PAIRE RIAS by and through her attorneys, Mancini Schreuder Kline P.C., and for her Complaint against Defendant DOLLAR TREE STORES, INC., states as follows:

1. Plaintiff is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. Defendant DOLLAR TREE STORES, INC. is a foreign profit corporation and at all relevant times had possession of a building located at 2295 E. 10 Mile Road, in the City of Warren, County of Macomb, State of Michigan.
3. The amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.
4. On or about the 5<sup>th</sup> day of January, 2021, Plaintiff PAIRE RIAS was a business invitee of the Defendant, lawfully, rightfully, and at the invitation of Defendant, on its business premises.
5. At the said time and place, as Plaintiff attempted to enter Defendant's store, the entry door fell onto her while an agent and/or employee of Defendant was working on it,



causing injuries as described below.

6. It was then and there the duty of Defendant to provide safe premises to Plaintiff, to maintain its premises in a reasonably safe condition, not to create or enhance the risk of harm to its invitees, to inspect said premises, to discover possibly dangerous conditions, to take precautions to protect its invitees, to warn invitees of dangerous, hazardous and unsafe conditions existing thereupon, and to use due care under the circumstances for the safety and protection of its visitors.

7. Notwithstanding said duties, Defendant did breach same by:

- a. negligently causing its door to fall on Plaintiff, through the actions of its employee and/or agent in the course of his work for Defendant;
- b. allowing unreasonable defects in the physical structure of its property;
- c. choosing not to inspect the premises to determine that an unsafe condition then and there existed;
- d. failing to protect against known unsafe conditions on the premises;
- e. choosing not to maintain its premises in a safe condition;
- f. choosing not to warn Plaintiff of the unsafe condition;
- g. otherwise acting in an unreasonable and imprudent manner; and/or
- h. otherwise breaching duties owed.

8. As a direct and proximate result of Defendant's negligence, Plaintiff PAIRE RIAS was struck by Defendant's falling door and sustained bodily injuries, including but not limited to:

- a. injuries to her head, neck, arms, shoulders, right hand and wrist, and related and resultant injuries;
- b. physical pain and suffering;
- c. disability and disfigurement;
- d. mental anguish;
- e. fright and shock;
- f. denial of social pleasures and enjoyment of the usual activities of life;





Oct. 11. 2021 11:56AM

No. 0939 P. 6

- g. embarrassment, humiliation and mortification;
- h. medical expenses, past and future;
- i. loss of earnings and earning capacity; and
- j. other damages allowed by law.

WHEREFORE, Plaintiff requests an award of damages in whatever amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars to which she may be found entitled, together with interest, costs and attorney fees.

PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY.

MANCINI SCHREUDER KLINE P.C.

By: /s/ Drew Slager

DREW SLAGER (P 72941)  
Attorneys for Plaintiff  
28225 Mound Road  
Warren, Michigan 48092-3498  
(586) 751-3900

Dated: October 11, 2021

LAW OFFICES  
**MANCINI SCHREUDER KLINE P.C.**  
ATTORNEYS AT LAW  
28225 MOUND RD., WARREN, MI 48092-3498  
TELEPHONE (586) 751-3900





## *Anthony G. Forlini*

Macomb County Clerk  
Register of Deeds

Kathy Smith  
Chief Deputy Clerk

TO: FILER

FROM: Macomb County Clerk of the Court

RE: 2021-003751-NO 16<sup>th</sup> Circuit Court Case Number

JUDGE: RICHARD L. CARETTI

This is to inform you that the above mentioned case is deemed an e-filing case pursuant to Administrative Order No. 2019-4. It is MANDATORY that all further filings in this matter are to be filed electronically through the court's e-filing website at:

**<http://mifile.courts.michigan.gov>**

Registration instructions, filing instructions, the administrative order and frequently asked questions can be found on the court's website at:

**<http://circuitcourt.macombgov.org/CircuitCourt-eFilingResources>**

All parties must register with the court and opposing parties one e-mail address for service. Service will be provided electronically to the email address that you provide. All parties must also register an email address with the TruFiling e-filing system. Each individual is responsible for the accuracy of the registered email address.

For TrueFiling technical support, please call 1-855-959-8868, or send an email to:

**[support@truefiling.com](mailto:support@truefiling.com)**

You are required to serve this notification on all parties when perfecting service on the Complaint. Also, if you have not previously provided your email address to our office when submitting documents for filing, it is now required that you furnish it in order for us to update our records.

If you need help in submitting your filing electronically, assistance is available in the Circuit Court I.T. Department on the 6th Floor. Computers, scanners and staff are available to assist you during normal business hours 8:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

### **Court Section**

40 North Main Street, 1st Floor  
Mount Clemens, MI 48043  
586-469-5351; Fax: 586-469-5364  
[macombgov.org/ClerkRoD](http://macombgov.org/ClerkRoD)  
[courtclerk@macombgov.org](mailto:courtclerk@macombgov.org)

### **Court Section File Room**

40 North Main Street, 1st Floor  
Mount Clemens, MI 48043  
586-469-5199; Fax: 586-469-5365  
[macombgov.org/ClerkRoD](http://macombgov.org/ClerkRoD)  
[fileroom@macombgov.org](mailto:fileroom@macombgov.org)

01.17.2020

# EXHIBIT 2

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

PAIRE RIAS,

Plaintiff,

v.

Case No. 21-003751-NO  
Honorable Richard Caretti

DOLLAR TREE STORES, INC.,

Defendant.

---

DREW SLAGER (P72941)  
Mancini, Schreuder, Kline P.C.  
Attorney for Plaintiff  
28225 Mound Road  
Warren, MI 48092  
Phone: (586) 751-3900 / Fax: (586) 751-7203  
Email: dslager@mancini-law.com

---

LISA T. MILTON (P38129)  
Bowen, Radabaugh & Milton, P.C.  
Attorney for Defendant  
100 East Big Beaver Road, Suite 350  
Troy, MI 48083  
Phone: (248) 641-8486/Fax: (248) 641-8219  
Email: ltmilton@brmattorneys.com

---

**DEFENDANT'S ANSWER TO COMPLAINT  
AND SPECIAL AND/OR AFFIRMATIVE DEFENSES**

Defendant, Dollar Tree Stores, Inc., presented by counsel, Bowen, Radabaugh & Milton, P.C., answers Plaintiff's complaint as follows:

1. This Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and therefore, neither admits nor denies them, but leaves Plaintiff to her proofs.

2. No contest.

3. No contest.

4. This Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and therefore, neither admits nor denies them, but leaves Plaintiff to her proofs.

5. The allegations of this paragraph are denied for the reason that they are untrue.

6. This Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and therefore, neither admits nor denies them, but leaves Plaintiff to her proofs.

7. The allegations of this paragraph, including subparagraphs a. through h., are denied for the reason that they are untrue.

8. The allegations of this paragraph, including subparagraphs a. through j., are denied for the reason that they are untrue.

Wherefore, Defendant Dollar Tree Stores, Inc., respectfully requests this Honorable Court deny the relief requested by Plaintiff and instead, enter a Judgment of no cause for action, together with costs and attorney fees so wrongfully incurred.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)  
Attorney for Defendant  
100 East Big Beaver Road, Suite 350  
Troy, MI 48083  
Phone: (248) 641-8486/Fax: (248) 641-8219  
Email: ltilton@brmattorneys.com

#### **SPECIAL AND/OR AFFIRMATIVE DEFENSES**

Defendant, Dollar Tree Stores, Inc., represented by counsel, Bowen, Radabaugh & Milton, P.C., states for its special and/or affirmative defenses the following:

1. That Plaintiff was over fifty percent at fault for the incident and is not entitled to any noneconomic damages.

2. That Plaintiff's claim is barred by the Doctrine of Res Judicata or Collateral Estoppel.

3. That the condition which caused Plaintiff's fall was open and obvious.
4. That this Defendant did not have actual or constructive notice of the condition which caused Plaintiff's fall.
5. That this Defendant took reasonable measures within a reasonable time to diminish any hazards.
6. That Plaintiff's complaint fails to state a claim upon which recovery can be based.
7. Defendant demands that Plaintiff join all claims against Defendant(s) pursuant to MCR 2.203.
8. That the Plaintiff had a duty to mitigate her damages and has failed to do so.
9. That the claims set forth by the Plaintiff are barred by the Statute of Limitations and/or Statute of Repose.
10. That the Plaintiff's claim is barred, in whole or in part, by the provisions of the Michigan Workers' Compensation Act, MCLA 418.131.
11. That the Plaintiff's claim for exemplary damages are not proper, and this Defendant will move this Honorable Court to strike said paragraph as a matter of law.
12. That the Plaintiff was negligent, contributorily negligent, comparatively negligent in failing to act as a reasonable, prudent person would under the circumstances and in failing to take reasonable precautions for her own safety.
13. That there was sufficient intervening, superseding negligence of others, including the Plaintiff, and others unknown to this Defendant at this time.
14. That the Defendant has not properly been served with process pursuant to the Michigan Court Rules, and this Defendant reserves the right to file a motion to quash said purported service of process.

15. That the claims set forth by the Plaintiff are barred by release and/or accord and satisfaction.

16. Plaintiff's claims against this Defendant are frivolous within the meaning of MCR 2.114, MCLA 600.2591, and MCLA 600.2949(2), thus entitling this Defendant to an award of actual costs and reasonable attorneys' fees. Defendant gives notice of its intent to seek reimbursement of all recoverable costs, expenses and actual attorney fees to the fullest extent permitted by law.

17. This Defendant reserves the right to plead and prove further Special and/or Affirmative Defenses that may become known through discovery and/or trial of the above-entitled cause.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)  
Attorney for Defendant  
100 East Big Beaver Road, Suite 350  
Troy, MI 48083  
Phone: (248) 641-8486/Fax: (248) 641-8219  
Email: ltmilton@brmattorneys.com

Dated: November 10, 2021

**Proof of Service**

I certify that on November 10, 2021, the foregoing paper was electronically filed with the Clerk of the Court and electronically served upon all attorneys of record using this court's e-filing/e-serve system.

/s/Kim King

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

PAIRE RIAS,

Plaintiff,

v.

Case No. 21-003751-NO  
Honorable Richard Caretti

DOLLAR TREE STORES, INC.,

Defendant.

---

DREW SLAGER (P72941)  
Mancini, Schreuder, Kline P.C.  
Attorney for Plaintiff

28225 Mound Road  
Warren, MI 48092

Phone: (586) 751-3900 / Fax: (586) 751-7203  
Email: dslager@mancini-law.com

LISA T. MILTON (P38129)

Bowen, Radabaugh & Milton, P.C.  
Attorney for Defendant

100 East Big Beaver Road, Suite 350  
Troy, MI 48083

Phone: (248) 641-8486/Fax: (248) 641-8219  
Email: ltmilton@brmattorneys.com

---

**DEFENDANT'S RELIANCE ON JURY DEMAND**

Defendant, Dollar Tree Stores, Inc., represented by counsel, Bowen, Radabaugh & Milton, P.C., hereby relies upon the jury demand filed by the Plaintiff in this action.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)

Attorney for Defendant

100 East Big Beaver Road, Suite 350  
Troy, MI 48083

Phone: (248) 641-8486/Fax: (248) 641-8219  
Email: ltmilton@brmattorneys.com

Dated: November 10, 2021

**Proof of Service**

I certify that on November 10, 2021, the foregoing paper was electronically filed with the Clerk of the Court and electronically served upon all attorneys of record using this court's e-filing/e-serve system.

/s/Kim King



# EXHIBIT 3



## Notice of Service of Process

C9H / ALL  
Transmittal Number: 23933228  
Date Processed: 10/18/2021

**Primary Contact:** Cynthia Bertucci  
Dollar Tree Stores Inc  
500 Volvo Pkwy  
Chesapeake, VA 23320-1604

**Electronic copy provided to:** Heather Hunter  
JJ Jacobson-Allen

---

**Entity:** Dollar Tree Stores, Inc.  
Entity ID Number 3697563

**Entity Served:** Dollar Tree Stores, Inc.

**Title of Action:** Paire Rias vs. Dollar Tree Stores, Inc.

**Matter Name/ID:** Paire Rias vs. Dollar Tree Stores, Inc. (11655766)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Personal Injury

**Court/Agency:** 16th Circuit Court, MI

**Case/Reference No:** 2021-003751-NO

**Jurisdiction Served:** Michigan

**Date Served on CSC:** 10/18/2021

**Answer or Appearance Due:** 28 Days

**Originally Served On:** CSC

**How Served:** Regular Mail

**Sender Information:** Mancini Schreuder Kline P.C.  
586-751-3900

---

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)